

117TH CONGRESS  
1ST SESSION

# S. 3280

To establish the Office of Children in Family Security and an Ambassador at Large for Children in Family Security, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. BLUNT (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To establish the Office of Children in Family Security and an Ambassador at Large for Children in Family Security, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Children in Family Security Act of 2021”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Sense of Congress.

Sec. 3. Definitions.

TITLE I—OFFICE OF CHILDREN IN FAMILY SECURITY AND  
AMBASSADOR AT LARGE FOR CHILDREN IN FAMILY SECURITY

- Sec. 101. Office of Children in Family Security.  
Sec. 102. Ambassador at Large for Children in Family Security.  
Sec. 103. Amendments to the Intercountry Adoption Act of 2000.  
Sec. 104. Amendment to the Immigration and Nationality Act.

TITLE II—SUPPORTING CHILDREN IN ADVERSITY

- Sec. 201. Special Advisor for Children in Adversity.  
Sec. 202. Coordination with the Office of Children in Family Security.

TITLE III—FUNDING; RULES OF CONSTRUCTION; EFFECTIVE  
DATE

- Sec. 301. Funding.  
Sec. 302. Rules of construction.  
Sec. 303. Effective date of title I.

**1 SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States Government should be a  
4 source of support and encouragement for foreign  
5 child welfare systems interested in transitioning  
6 from institutional care to family care, according to  
7 the best interests of the child living without, or at  
8 risk of living without, family care;

9 (2) a foreign child welfare system that reflects  
10 the best interests of a child living without, or at risk  
11 of living without, family care should—

12 (A) while keeping siblings together when-  
13 ever possible—

14 (i) prioritize family preservation or re-  
15 unification;

(ii) when family preservation or reuni-

fication is not possible, ensure the timely

provision of adoption or guardianship; and

(iii) use interim placement of foster

care or kinship care if—

(I) such placement is imme-

dately available; and

(II) there are ongoing efforts to

transition the child to the other forms

of family care described in clauses (i)

and (ii);

(B) provide assistance for children with

13 disabilities, who are disproportionately institu-

tionalized, including—

(i) payment and support to adults

providing family care; and

(ii) any other available assistance that

promotes the welfare of such children; and

(C)(i) not rely on institutional care; or

(ii) if institutional care is currently relied

upon, work to transition children to family care;

(3) children should grow up with permanent,

safe, and nurturing families;

(4) many children do not have such families;

(5) institutional care—

1                             (A) is used throughout the world to assist  
2                             the millions of children who are without family  
3                             care, but such care does not reflect the best in-  
4                             terests of such children; and

5                             (B) presents the risk of neurological and  
6                             psychological harm to children, especially in-  
7                             fants and children with disabilities;

8                             (6) there are children living in institutional care  
9                             who have at least 1 living parent who would other-  
10                           wise take care of them if the parent could meet the  
11                             needs of such children;

12                           (7) some foreign governments lack the re-  
13                             sources or infrastructure to adequately develop a  
14                             child welfare system that reflects the best interests  
15                             of children living without family care and children at  
16                             risk of living without family care;

17                           (8) the United States can assist children  
18                             around the world who are living without family care  
19                             or who are at risk of living without family care by  
20                             advocating for and providing technical assistance re-  
21                             lated to the implementation of laws, regulations,  
22                             policies, and procedures that—

23                             (A) reflect the best interests of such chil-  
24                             dren in a child welfare system of a foreign gov-  
25                             ernment; and

(B) ensure that intercountry adoption is a viable and fully developed option; and

(A) such assistance serves the foreign policy interests of the United States; and

## 12 SEC. 3. DEFINITIONS.

13 In this Act:

14 (1) ADOPTION.—The term “adoption” means—

15 (A) adoptions within the United States;

16 and

17 (B) intercountry adoptions.

18                             (2) AMBASSADOR.—The term “Ambassador”  
19                             means the Ambassador at Large for Children in  
20                             Family Security established under section 102(a) of  
21                             this Act.

1                             (4) CHILD WELFARE SYSTEM.—The term  
2        “child welfare system” means a group of services de-  
3        signed to promote the well-being of children by en-  
4        suring safety, achieving permanency, and strength-  
5        ening families.

6                             (5) CHILDREN IN ADVERSITY.—The term “chil-  
7        dren in adversity” means individuals who—

- 8                                 (A) have not attained 18 years of age; and  
9                                 (B) are experiencing conditions of serious  
10       deprivation and danger, including individuals  
11       who are—  
12                                 (i) living without, or at risk of living  
13       without, family care;  
14                                 (ii) experiencing violence;  
15                                 (iii) affected by, or emerging from,  
16       armed conflict or humanitarian crises;  
17                                 (iv) living with disabilities;  
18                                 (v) orphans; or  
19                                 (vi) otherwise vulnerable, including  
20       because of human immunodeficiency virus  
21       and acquired immunodeficiency syndrome  
22       (commonly known as “HIV/AIDS”), acute  
23       illness, or premature birth.

1                             (6) CONVENTION COUNTRY.—The term “Con-  
2                             vention country” means a country that is a party to  
3                             the Hague Adoption Convention.

4                             (7) FAMILY CARE.—The term “family care” re-  
5                             fers to adoption, family preservation, reunification,  
6                             foster care, guardianship, or kinship care.

7                             (8) FAMILY-LIKE GROUP HOME.—The term  
8                             “family-like group home” means an arrangement in  
9                             which a child is placed in a home—

10                             (A) that houses a limited number of chil-  
11                             dren; and

12                             (B) in which personalized caretaking is  
13                             provided only by one or more caregivers.

14                             (9) FAMILY PRESERVATION.—The term “family  
15                             preservation” means measures taken to keep a child  
16                             within the care of his or her parent or parents.

17                             (10) FOSTER CARE.—The term “foster care”  
18                             means an arrangement in which a child is placed  
19                             with at least 1 adult—

20                             (A) who is not a relative;

21                             (B) with whom the child does not have an  
22                             emotionally significant relationship; and

23                             (C) who has been authorized by a child  
24                             welfare system to provide full-time care for the  
25                             child on a temporary basis.

## (11) GUARDIANSHIP.—

(13) INSTITUTIONAL CARE.—The term “institutional care” means care for children provided in a public or private residential setting that is—

24 (A) not family care:

(B) staffed by salaried or volunteer care-givers working pre-determined hours or shifts; and

(C) a collective living arrangement, includ-  
ing—

6 (i) orphanages;

(ii) places of safety or transit centers for emergency care used primarily as an alternative to family care;

### 10 (iii) children's homes;

11 (iv) children's villages or cottage com-  
12 plexes; and

(v) boarding schools or hospitals used primarily as an alternative to family care.

(14) INTERIM PLACEMENT.—The term “interim placement” means foster care or kinship care.

(15) KINSHIP CARE.—The term “kinship care” means an arrangement in which a child is placed with at least 1 adult who—

(A) is a relative, a member of a Tribe or clan, or related by marriage, or has an emotionally significant relationship with the child; and

(B) has been authorized by a child welfare system to provide full-time care for the child on a temporary basis

1                   (16) OFFICE.—The term “Office” means the  
2                   Office of Children in Family Security established  
3                   under section 101(a) of this Act.

4                   (17) REUNIFICATION.—The term “reunification”  
5                   means the transition of a child, after being  
6                   separated from parental care, into the care or cus-  
7                   tody of the parent or parents of such child, including  
8                   the provision of access to appropriate services and  
9                   support that follows reunification and addresses the  
10                  reason for the initial separation.

11                  (18) SPECIAL ADVISOR.—The term “Special  
12                  Advisor” means the Special Advisor for Children in  
13                  Adversity appointed pursuant to section 135(e) of  
14                  the Foreign Assistance Act of 1961 (22 U.S.C.  
15                  2152f(e)), as amended by section 201(4).

16                  **TITLE I—OFFICE OF CHILDREN**  
17                  **IN FAMILY SECURITY AND**  
18                  **AMBASSADOR AT LARGE FOR**  
19                  **CHILDREN IN FAMILY SECU-**  
20                  **RITY**

21                  **SEC. 101. OFFICE OF CHILDREN IN FAMILY SECURITY.**

22                  (a) ESTABLISHMENT.—There is established, within  
23                  the Office of the Secretary of State, the Office of Children  
24                  in Family Security.

25                  (b) RESPONSIBILITIES.—

1                             (1) ELIGIBILITY TO PARTICIPATE IN INTER-  
2                             COUNTRY ADOPTIONS.—

3                             (A) IN GENERAL.—The Director, in con-  
4                             sultation with other offices of the Department  
5                             of State and the Department of Homeland Se-  
6                             curity, shall determine, based on standardized  
7                             criteria, whether—

- 8                                 (i) a Convention country has met its  
9                             obligations under the Hague Adoption  
10                              Convention; and  
11                                 (ii) such country is eligible to partici-  
12                             pate in intercountry adoptions in accord-  
13                             ance with United States law.

14                             (B) NOTICE.—Not later than 30 days be-  
15                             fore the effective date of a determination under  
16                             subparagraph (A), except as otherwise provided  
17                             by the Office for good cause found and pub-  
18                             lished with the determination, the Director shall  
19                             publish a general notice in the Federal Register  
20                             of such determination, which shall include—

- 21                                 (i) a statement of the time, place, and  
22                             nature of the determination;  
23                                 (ii) a reference to the specific legal  
24                             authority under which the determination is  
25                             made; and

(A) governs suitability and eligibility determinations for prospective adoptive parents seeking to adopt internationally, regardless of

1           whether the child to be adopted is from a Con-  
2           vention country;

3           (B) governs the determination of eligibility  
4           of a child for adoption, regardless of whether  
5           such child is from a Convention country; and

6           (C) is consistent with the best interests of  
7           the child determination described in section  
8           303(a)(1)(C) of the Intercountry Adoption Act  
9           of 2000 (42 U.S.C. 14932(a)(1)(C)).

10          (3) DIVISIONS.—There is established within the  
11          Office—

12           (A) a division for executing oversight re-  
13           sponsibilities of the Hague Adoption Conven-  
14           tion, including the obligations of—

15              (i) the Ambassador at Large for Chil-  
16              dren in Family Security (referred to in this  
17              paragraph as the “Ambassador”); and

18              (ii) the Office of Children’s Issues of  
19              the Department of State;

20           (B) a division for executing bilateral re-  
21           sponsibilities of the Hague Adoption Conven-  
22           tion, including—

23              (i) executing the obligations of the  
24              Ambassador and the Office described in ti-  
25              tles I, III, IV, and V of the Intercountry

1 Adoption Act of 2000 (42 U.S.C. 14901 et  
2 seq.), as amended by this Act, except for  
3 the obligations expressly assigned to the  
4 Ambassador under section 102(c)(3)(C) of  
5 this Act;

17 (C) a division for promoting best practices  
18 for foreign child welfare systems, which shall  
19 advise foreign child welfare systems, on such  
20 terms and conditions as the Ambassador deems  
21 appropriate, regarding—

(ii) establishing public, private, and faith- and community-based partnerships;

6 (iv) identifying and documenting the  
7 number and needs of children who are liv-  
8 ing without, or are at risk of living with-  
9 out, family care.

10 (c) DIRECTOR.—

11                   (1) IN GENERAL.—The Office shall be headed  
12                   by a Director who shall be appointed by the Sec-  
13                   retary of State.

16 (A) a strong professional background in  
17 consular affairs;

(B) personal experience in international adoptions; or

(C) professional experience in international adoptions or child services.

22 (3) RESPONSIBILITIES.—The Director shall—

23 (A) oversee the Office and its divisions;  
24 and

(B) ensure long-term continuity in the management and policy matters of the Office.

3       (d) RECORDS.—Not later than 1 year after the date  
4 of establishment of the Office, and annually thereafter, the  
5 Director shall submit to Congress, with any other relevant  
6 annual report mandated by law—

7                   (1) a description of the implementation of sub-  
8                   section (b)(3)(C);

15                             (4) a record of the date of coordination and the  
16                             agency with which the Office coordinated pursuant  
17                             to section 102(c)(4).

18 SEC. 102. AMBASSADOR AT LARGE FOR CHILDREN IN FAM-  
19 ILY SECURITY.

20       (a) ESTABLISHMENT.—There is established, within  
21 the Office of the Secretary of State, an Ambassador at  
22 Large for Children in Family Security, who shall be ap-  
23 pointed by the President, by and with the advice and con-  
24 sent of the Senate.

25 (b) **QUALIFICATIONS.**—The Ambassador shall—

1                   (1) have experience in advocating in foreign  
2                   countries for the development and implementation of  
3                   laws, regulations, policies, and procedures that re-  
4                   flect the policy described in section 2; and

5                   (2) be knowledgeable of, and committed to, pro-  
6                   moting the policy described in section 2.

7                   (c) RESPONSIBILITIES.—The Ambassador shall—

8                   (1) advocate for laws, regulations, policies, and  
9                   procedures that reflect the policy described in sec-  
10                  tion 2;

11                  (2) report directly to the Secretary of State and  
12                  serve as a primary advisor to the President in all  
13                  matters relevant to children in foreign countries who  
14                  are living without family care or are at risk of living  
15                  without family care;

16                  (3) subject to the direction of the President and  
17                  the Secretary of State, and in consultation and co-  
18                  ordination with the Administrator of the United  
19                  States Agency for International Development, the  
20                  Secretary of Homeland Security, and the Special  
21                  Advisor, represent the United States in matters rel-  
22                  evant to children in foreign countries who are living  
23                  without, or are at risk of living without, family  
24                  care—

16 SEC. 103. AMENDMENTS TO THE INTERCOUNTRY ADOPTION ACT OF 2000.

## 18 The Intercountry Adoption Act of 2000 (42 U.S.C.

19 14901 et seq.) is amended—

20 (1) in section 3 (42 U.S.C. 14902)—

(A) by amending paragraph (16) to read as follows:

23           “(16) AMBASSADOR.—The term ‘Ambassador’  
24       means the Ambassador at Large for Children in

1 Family Security established under section 102 of the  
2 Children in Families Act of 2021.”;

3 (B) by redesignating paragraph (17) as  
4 paragraph (18); and

5 (C) by inserting after paragraph (16) the  
6 following:

7 “(17) OFFICE.—The term ‘Office’ means the  
8 Office of Children in Family Security established  
9 under section 101 of the Children in Families Act of  
10 2021.”;

11 (2) by amending section 101 (42 U.S.C. 14911)  
12 to read as follows:

13 **“SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.**

14 “(a) IN GENERAL.—For purposes of the Convention  
15 and this Act—

16 “(1) the Office shall serve as the central au-  
17 thority of the United States; and

18 “(2) the Ambassador shall serve as the head of  
19 the central authority of the United States.

20 “(b) PERFORMANCE OF CENTRAL AUTHORITY FUNC-  
21 TIONS.—Except as otherwise provided in this Act, the Of-  
22 fice shall be responsible for the performance of all central  
23 authority functions for the United States under the Con-  
24 vention and this Act.

1       “(c) QUALIFICATIONS FOR OFFICE PERSONNEL.—

2 All personnel of the Office performing central authority  
3 functions shall have—

4           “(1) a strong background in consular affairs;

5           “(2) personal experience in international adop-  
6 tions; or

7           “(3) professional experience in international  
8 adoptions or child services.

9       “(d) AUTHORITY OF AMBASSADOR.—Except as oth-  
10 erwise provided in this Act, the Ambassador may prescribe  
11 such regulations as may be necessary to carry out central  
12 authority functions on behalf of the United States.”;

13           (3) in sections 102, 104, 202, 203, 204, 303,  
14 401, 403, and 503, by striking “Secretary” in each  
15 place such term appears and inserting “Ambas-  
16 sador”;

17           (4) in section 204 (42 U.S.C. 14924)—

18           (A) in the section heading, by striking  
19           **“SECRETARIAL OVERSIGHT OF ACCREDI-**  
20           **TATION AND APPROVAL”** and inserting  
21           **“OVERSIGHT OF ACCREDITATION AND AP-**  
22           **PROVAL”**;

23           (B) in subsection (b)(1), in the paragraph  
24 heading, by striking “SECRETARY’S AUTHOR-  
25 ITY” and inserting “AUTHORITY”;

4 (D) in subsection (c)(2), by striking “Sec-  
5 retary’s debarment” and inserting “debar-  
6 ment”;

7 (5) in section 301 (42 U.S.C. 14931)—

8 (A) in subsection (a)(1)—

12 (ii) in subparagraph (B) by striking  
13 “Act” and inserting “chapter”; and

(B) in subsections (b) and (c), by striking  
“the Secretary of State” in each place such

17                         (6) in section 303 (42 U.S.C. 14933), by strik-  
18                         ing “the Secretary of State” in each place such term  
19                         appears and inserting “the Ambassador”; and

22            "(b) ASSESSMENT OF FEES —

23               “(1) IN GENERAL.—The Ambassador may  
24 charge a fee for new or enhanced services that will

1       be undertaken by the Office to meet the require-  
2       ments of this Act with respect to—

3                 “(A) intercountry adoptions under the  
4                 Convention; and

5                 “(B) comparable services with respect to  
6                 other intercountry adoptions.

7                 “(2) FEES.—Any fee charged in accordance  
8                 with paragraph (1)—

9                         “(A) shall be prescribed by regulation and  
10                  shall not exceed the cost of such services; and

11                         “(B) shall be retained and deposited as an  
12                  offsetting collection to any appropriation for the  
13                  Office to recover the costs of providing such  
14                  services.”.

15 **SEC. 104. AMENDMENT TO THE IMMIGRATION AND NATION-  
16                      ALITY ACT.**

17       Section 204(d)(2) of the Immigration and Nationality  
18   Act (8 U.S.C. 1154(d)(2)) is amended by striking “Sec-  
19   retary of State” and inserting “Ambassador at Large for  
20   Children in Family Security”.

21                      **TITLE II—SUPPORTING  
22                      CHILDREN IN ADVERSITY**

23 **SEC. 201. SPECIAL ADVISOR FOR CHILDREN IN ADVERSITY.**

24       Section 135 of the Foreign Assistance Act of 1961  
25   (22 U.S.C. 2152f) is amended—

1                             (1) in subsection (b)—

2                                 (A) by redesignating paragraphs (3), (4),  
3                                 and (5) as paragraphs (4), (5), and (6), respec-  
4                                 tively; and

5                                 (B) by inserting after paragraph (2) the  
6                                 following:

7                                 “(3) CHILDREN IN ADVERSITY.—The term  
8                                 ‘children in adversity’ means children who are expe-  
9                                 riencing conditions of serious deprivation and dan-  
10                                 ger, including children who are—

11                                 “(A) living without, or at risk of living  
12                                 without, family care;

13                                 “(B) experiencing violence;

14                                 “(C) affected by, or emerging from, armed  
15                                 conflict or humanitarian crises;

16                                 “(D) living with disabilities;

17                                 “(E) orphans; or

18                                 “(F) otherwise vulnerable, including be-  
19                                 cause of HIV/AIDS, acute illness, or premature  
20                                 birth.”;

21                             (2) in subsection (c)—

22                                 (A) by striking “orphans and other vuln-  
23                                 erable children” each place such phrase appears  
24                                 and inserting “children in adversity”; and

(B) in paragraph (5), by striking “orphans, other vulnerable children,” and inserting “children in adversity”;

7 (4) in subsection (e)—

18 (C) in paragraph (2), by striking “orphans  
19 and other vulnerable children” each place such  
20 phrase appears and inserting “children in ad-  
21 versity”.

**22 SEC. 202. COORDINATION WITH THE OFFICE OF CHILDREN  
23 IN FAMILY SECURITY.**

24 Section 137(a)(4)(A) of the Foreign Assistance Act  
25 of 1961 (22 U.S.C. 2152k(a)(4)(A)) is amended by insert-

1 ing “, including the Office of Children in Family Security”  
2 before the semicolon.

3 **TITLE III—FUNDING; RULES OF  
4 CONSTRUCTION; EFFECTIVE  
5 DATE**

6 **SEC. 301. FUNDING.**

7 (a) IN GENERAL.—This Act, and the amendments  
8 made by this Act, shall be carried out using appropriations  
9 authorized under section 403 of the Intercountry Adoption  
10 Act of 2000 (42 U.S.C. 14943) and using amounts other-  
11 wise available for the purposes of this Act, including unob-  
12 ligated balances of funds appropriated to carry out activi-  
13 ties under the Foreign Assistance Act of 1961 (22 U.S.C.  
14 2151 et seq.). Nothing in this Act may be construed as  
15 prohibiting the appropriation of funds to carry out this  
16 Act or any amendments made by this Act.

17 (b) LIMITATIONS ON USE OF FUNDS.—No funds ob-  
18 ligated or appropriated in accordance with this Act may  
19 be provided for advocating for building, renovating, or re-  
20 furbishing residential facilities that provide institutional  
21 care or family-like group homes.

22 **SEC. 302. RULES OF CONSTRUCTION.**

23 Nothing in this Act may be construed—

24 (1) to preclude advocacy for the provision of  
25 funds obligated or appropriations for in-kind assist-

1       ance, stipends, or subsidies for the care of children  
2       in adversity, children with disabilities, or other chil-  
3       dren requiring increased levels of care, including  
4       children with chronic antisocial behavior, emotional  
5       disturbance, and delinquency;

6               (2) to be related to locations such as corre-  
7       ctional facilities to the extent that the situation of the  
8       children concerned, the deprivation of liberty con-  
9       sequent to alleged or proven violation of the law, is  
10      covered by juvenile justice standards;

11               (3) to abrogate or amend the meaning of “resi-  
12       dential care” as defined in section 137(a) of the  
13       Foreign Assistance Act of 1961 (22 U.S.C. 2152k);  
14       or

15               (4) to be related to any provision of Federal law  
16       or regulation regarding international abduction in  
17       effect at the date of the enactment of this Act.

18 **SEC. 303. EFFECTIVE DATE OF TITLE I.**

19       Title I and the amendments made by title I take ef-  
20       fect on the date that is 1 year after the date of the enact-  
21       ment of this Act.

